IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 418 of 1996

Between:

1. K. Rami Reddy S/o. Late K. Chenchu Reddy
R/o. Muraripalli Village, H/o. Gollacheemanapalli,
Baireddipalli Mandal, Chittoor District.

2. K. Narayanamma, W/o. K. Narayana Reddy,
R/o. Muraripalli Village, H/o. Gollacheemanapalli,
Baireddipalli Mandal, Chittoor District.

..... PETITIONERS

AND

1. The District Collector, Chittoor.

2. The Mandal Revenue Officer,
Baireddipalli Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly a *Writ of Mandamus* declaring the action of the respondents in forming road from Lakkanapalli main road to Muraripalli village through petitioners' patta lands in S.Nos. 394/1, 404/6, 428/2B, 428/3A of Gollacheemanapalli Village, Baireddipalli Mandal as illegal, improper, unjust and contrary to law and further direct the respondents not to form a road in petitioners' patta lands in S.Nos. 394/1, 404/6, 428/2B, 428/3A of Gollacheemanapalli village without following the procedure prescribed under Land Acquisition Act.

For the Petitioners: MR.SURENDRA DESAI, Advocate

For the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

This writ petition is filed questioning the action of the respondents in forming road from Lakkanapalli main road to Muraripalli village through the patta lands of the petitioners, as illegal, unjust and contrary to law.

The petitioners allege that the respondents are forming a 30 feet width road from Lakkanapalli main road to Muraripalli village through the lands of petitioners situated in Survey Nos.394/1, 404/6, 428/2B and 428/3A of Gollacheemanapalli village, Baireddipalli Mandal of Chittoor District, without following the procedure prescribed under Land Acquisition Act. It is stated that though they made a representation on 06-01-1996 requesting the first respondent to intervene in the matter, the first respondent has not taken any action so far, and now the villagers are forming the road as per the marking given by the second respondent. Hence, the writ petition.

The second respondent filed counter-affidavit stating that the subject relating to formation of roads at Mandal level and their repairs, vests with the Mandal Parishad Development Officer concerned. The Mandal Parishad Development Officer, Baireddipalli Mandal in his letter dated 08-11-2004 informed that there is no proposal for formation of road from Muraripalli village to Peddachallanagunta village through the patta lands of the petitioners. It is stated that no road so far has been laid through the lands of the petitioners, and in case any road is to be formed in future affecting the patta lands of the petitioners, the same will be done only after following the due procedure contemplated in law. Thus, the second respondent prays to dismiss the writ petition.

Heard the learned counsel for the petitioners.

Having regard to the averments made by the second respondent in his counter-affidavit that no proposal is made for formation of a road through the patta lands of the petitioners and that no road as alleged by the petitioners has been laid so

far, the apprehension of the petitioners that the respondents are proceeding to form a road through their lands, stands removed.

With the above observation, the writ petition is closed. No costs.

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N.V. RAMANA, J

Date: 10-11-2004

Svv

To

1. The District Collector, Chittoor.

2. The Mandal Revenue Officer, Baireddipalli Mandal, Chittoor District.

3. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two C.D. copies